

Application No. 10/595,342
Amendment Dated September 7, 2010
Reply to Office Action of June 8, 2010

REMARKS

The Office Action mailed June 8, 2010 has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing amendments to the claims and the remarks that follow.

Specification

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1-56 are hereby cancelled and replaced with new claims 57-67, which are believed to be fully supported by the specification.

Claim 57 recites:

a first plurality of cylindrical segments that are separably connected together in series to form an inner cylindrical center portion; and

a second plurality of cylindrical segments that are separably connected together in series to form an outer cylindrical center portion having a larger diameter than the inner cylindrical center portion.

The above-recited subject matter is clearly depicted in the drawings, namely, Fig. 1 and Fig. 2. The specification also supports these claim limitations; for example, page 4, lines 10-16 of the specification submitted on December 3, 2008 state:

Preferably the end flanges are constructed in a way that allows the cylinder segments to be disposed at more than one distance from the central axis of the reel. In this manner it becomes possible, by arranging a sufficient number of cylinder segments at the outer attachment points of the end flanges, to transport pipes with a relatively large minimum bend radius, e.g. 3.5 meters.

Further, the Brief Description of the Drawings states:

Figure 1 is a perspective view of a reel mounted on the wheels of a cradle;

Figure 2 shows the reel of Figure 1, but here the cylinder segments of the reel are arranged at a greater distance from the center of the reel.

Application No. 10/595,342
Amendment Dated September 7, 2010
Reply to Office Action of June 8, 2010

The Examiner incorrectly states "The specification as originally filed fails to provide support for a first number of cylindrical segments, an inner cylindrical center portion, a second larger number of cylindrical segments and an outer cylindrical center portion." In fact, these elements are clearly shown in the drawings and referred to in the specification.

Even if the Examiner deems the specification to not have sufficient written description to support new claim 57, the patent drawings alone can provide an adequate written description of the invention in the even the written disclosure portion of the application inadvertently omitted such a written description. The Examiner is referred to In re Wolfensperger, 302 F.2d 950, 133 USPQ 537 (CCPA 1962). In Wolfensperger, the invention was related to a ball-type valve used in high-pressure fluid pipelines. The valve contained a shut-off member constructed of a spherical ball plug. The Examiner and Board rejected a specific claim of the patent application on the grounds that the claim was not adequately described in the specification. In particular, the claim recited a two-dimensional relationship including a "packing ring" in "untensioned condition" that included "a mean diameter corresponding approximately to the mean diameter of said chamber". On appeal, the CCPA held that Figure 5 of the application clearly showed that the ring had a mean diameter corresponding approximately to the mean diameter of an annular chamber. On this basis, the court held that the application satisfied the written description requirement. Thus, Wolfensperger teaches that drawings may provide the basis for subsequent amendments to the claims without producing prohibitory new matter therein.

Withdrawal of the rejection to the specification is thus appropriate and requested.

Drawings

The drawings are objected to under 37 C.F.R. §1.38(a) as failing to show every feature of the invention specified in the claims. As stated above, Figures 1 and 2 of the specification, as filed, disclose the inner cylindrical center portion and outer cylindrical center portion, as claimed. Withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

The claims are rejected under 35 U.S.C. §112, first paragraph and second paragraph.

Application No. 10/595,342
Amendment Dated September 7, 2010
Reply to Office Action of June 8, 2010

The previously pending claims are hereby cancelled and replaced with new claims 57-67. Claims 57-67 are believed to remove any issues with respect to the rejections under Section 112. Withdrawal thereof is respectfully requested.

The Examiner is respectfully encouraged to contact the undersigned attorney with any further questions or issues.

Claim Rejections Under 35 U.S.C. §103

Claims 41-46, 30-31 and 56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Harvey EPO Patent Application No. 0491400. Claims 32, 33, 40, 47-48 and 55 have been rejected as being unpatentable over Harvey '400 in view of Faulkner U.S. Patent No. 5,474,254. Claims 34-37 and 49-52 have been rejected as being unpatentable over Harvey '400 in view of Faulkner '254 and further in view of Salloum U.S. Patent No. 5,004,179. Claims 38 and 53 have been rejected as being unpatentable over Harvey '400 in view of Dobson U.S. Patent No. 819,866. Claims 39 and 54 have been rejected as being unpatentable over Harvey '400 in view of Campbell U.S. Patent No. 3,940,085.

The claims previously presented in this application are hereby cancelled and replaced with new claims 57-67 which are believed to define patentable combinations over the prior art.

Claim 57

Claim 57 recites a modular reel device assembly that is inventively configured to support a coilable body. Claim 57 recites both *first* and *second* pluralities of *cylindrical segments that are separably connected together in series*. Each of the pluralities of cylindrical segments are separably connectable to opposing end flanges. Further, each cylindrical segment in the respective pluralities is connected in series by *screw-bolt-joints*.

The Applicant has found that the claimed direct connection between the respective pluralities of cylindrical segments and the opposing end flanges, in combination with the claimed connection of the respective cylindrical segments in series by the *screw-bolt-joints* provides a uniquely modular assembly that can be easily assembled and disassembled, and yet still exhibit

superior strength and durability for supporting extremely heavy coilable bodies that are often used in, for example, the oil and gas industry. This combination of structure is not disclosed in the prior art and is believed non-obvious in view thereof.

Harvey '400 utilizes support members 18 between end flanges 11, 12. Metal panels 20 are provided for supporting the coilable body. These panels are loosely connectable between members 18. This is quite different from the combination recited in claim 57. One important difference is that if the arrangement of Harvey '400 were to be used to support heavy spoolable members, the members 18 would yield under unacceptable contact forces as a significant portion of the load would be directly placed on these members 18. In stark contrast, the combination of claim 57 allows for more thorough and even distribution of load across the plurality of cylindrical segments, thus enabling support of heavier spoolable members.

In hindsight, the Examiner has selected various aspects of different types of spoolable members in an attempt to assemble the claimed combinations of the present invention. This hindsight reconstruction includes selection of Campbell U.S. Patent No. 3,940,085, which teaches bolt means 32 extending though portions of semi-circular hub segments that are connected to end flanges by bosses 16 having a single predetermined diameter. Campbell '085 teaches only a pair of hub segments that are fixed to form a single center portion. One of ordinary skill in the art would not have combined the disclosure of Campbell '085 with Harvey '400 because Campbell's bolt means would not have worked with Harvey's loosely connectable members 18. Further one of ordinary skill in the art would not have combined the disclosure of Harvey '400 with Campbell '085 because Campbell '085 requires bosses 16 located at a single diameter. Applying Harvey to Campbell would require reconstruction of the entire basic teaching of Campbell. The remaining references also fail to recognize that the claimed combination of structure in a modular reel device assembly provides the above-described advantages regarding strength and modularity.

The Examiner is further respectfully requested to consider whether there is a non-obvious act of cognition and selection required to arrive at the claimed invention. It is respectfully submitted that the answer is yes. The presence in the prior art of individual aspects, yet the non-recognition of Applicant's solution is respectfully submitted as demonstrative evidence of non-obviousness. This non-recognition is particularly conspicuous in a crowded art and is believed

Application No. 10/595,342

Amendment Dated September 7, 2010

Reply to Office Action of June 8, 2010

probative that the present Applicant's solution involves a non-obvious act of cognition and selection required to arrive at such solution not previously recognized in the art. It is respectfully submitted that the cognition, selection and implementation of the present invention is novel and non-obvious and is not recognized in the prior art. The invention requires linking association involving a cognitive step not suggested previously in the art and not obvious therefrom.

Applicant recognizes that it is a difficult if not impossible task to completely purge oneself of hindsight when attempting to place oneself in the shoes of the legal ghost called the ordinarily skilled artisan. The act of selection is a supportable basis for invention. As noted by Judge Learned Hand, *it may be that in certain circumstances the very choice of the elements to be selected is not obvious.* B.G. Corp. v. Walter Kidde & Co., 79 F.2d 20 (2nd Cir. 1935) ("all machines are made up of the same elements....But the elements are capable of an infinity of permutations, and the selection of that group which proves serviceable to a given need may require a high degree of originality. It is that act of selection which is the invention.").

Claims 58-67

Claims 58-67 depend from claim 57 and are believed allowable for the reasons stated above, as well as the subject matter recited therein. Such action is appropriate and requested.

Application No. 10/595,342
Amendment Dated September 7, 2010
Reply to Office Action of June 8, 2010

Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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